

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD and	)	CIVIL DIVISION
HAROLD I. WAKEFIELD, husband and	)	
wife,	)	Civil Action No. 05 CV 79 -- Erie
	)	
Plaintiffs,	)	Honorable Maurice B. Cohill, Jr.
	)	
v.	)	
	)	
JOY MINING MACHINERY	)	<b>JURY TRIAL DEMANDED</b>
COMPANY, a division of Harnischfeger	)	
Industries, and LARRY MEADE,	)	
	)	
Defendants.	)	<i>Electronically Filed</i>

**MOTION TO AMEND THE PLEADINGS-CAPTION**

AND NOW, come the Defendants, Joy Mining Machinery Company, a division of Harnischfeger Industries and Larry Meade, by and through their counsel, Pietragallo Bosick & Gordon LLP, and file the within Motion to Amend the Pleadings-Caption setting forth as follows:

**FACTS**

1. The Plaintiffs, an employee of Joy Mining Machinery (Valerie Wakefield) and her husband (Harold Wakefield) filed a Complaint in state court against Joy Mining Machinery (Joy) and Larry Meade (Meade) purporting to state claims arising under federal statute and Pennsylvania state common law.

2. The Defendants filed a Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(6), seeking the following relief:

- that all claims made against Larry Meade be dismissed;  
and

- that all claims made by Plaintiff, Harold I. Wakefield, be dismissed for failure to state a claim.

3. By Opinion and Order dated March 29, 2006, this Honorable Court granted the relief requested.

4. Based on the content of this Court's Opinion and Order of March 29, 2006, there are no claims in this matter remaining against Mr. Meade and no claims remaining brought on behalf of Harold Wakefield.

5. This Court's Initial Case Management Order has directed the parties to move to amend the pleadings on or before June 12, 2006.

6. Based on this Court's Opinion and Order of March 29, 2006, the Defendants respectfully request that the caption be amended to:

- Eliminate Harold I. Wakefield as a Plaintiff; and
- Eliminate Larry Meade as a Defendant.

WHEREFORE, the Defendants respectfully request that this Honorable Court grant the relief sought in this Motion to Amend the Pleadings-Caption.

Respectfully submitted,

/s/ Pamela G. Cochenour, Esquire  
PAMELA G. COCHENOUR, ESQUIRE  
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LISA A. BORRELLI, ESQUIRE  
JOY MINING MACHINERY  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION TO AMEND PLEADINGS-CAPTION** will be forwarded via the ECF system to all counsel of record this 12<sup>th</sup> day of June, 2006, and via First Class Mail, Postage Pre-Paid upon the following non-ECF user:

Edith Lynne Sutton, Esquire  
Sutton Legal Services  
11 Sunset Court  
Cranberry Township, PA 16066

/s/ Pamela G. Cochenour, Esquire  
PAMELA G. COCHENOUR, ESQUIRE  
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